UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/755,623	LECOEUCHE, RENAUD J.
	Examiner	Art Unit
	MICHAEL C. COLUCCI	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 14-22* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-11 and 14-22* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicants arguments with respect to claims 1-11 and 14-22 have been

considered but are moot in view of the new grounds of rejection. Re the amendments

to claims 1 and 11, "at least one response includes an answer to the prompt that was

given and additional information that is not an answer to the prompt that was given,

wherein an additional prompt is then provided to the user concerning the additional

information before returning to the selected order" **and** "storing a plurality of semantic

items that maintain information related to responses received from the user, amt

wherein at least one response includes an answer to a prompt that was given and

additional information that is not an answer to the prompt that was given, wherein the

additional information is associated with one or more of the semantic items and the

module maintains an indication associated with the one or more semantic items that the

dialog is to depart from the selected order to provide an additional prompt to the user

concerning the one or more semantic items before the dialog returns to the selected

order", Examiner has maintained the use of Alpdemir US 20020035474 A1 (hereinafter

Alpdemir) in view of Albayrak et al. US 6662163 B1 (hereinafter Albayrak) to address

the amendments to claims 1 and 11, as well as new independent claim 19. Both

Alpdemir and Albayrak are directly within the scope of the present invention, wherein

Alpdemir teaches "additional information" like the present invention in the form of

interrupting a prompt at any time with a response that is not an answer to a prompt such

as *help* (present invention spec. [0073]). This is explicitly taught like the present

invention, wherein Alpdemir teaches that f or business subscriber calls, when they say,

"help" there should desirably be some automated help, and when they say "save me"

they should desirably be connected to a customer service representative (Alpdemir

[0132].

Examiner has also addressed the use of a semantic item, wherein Alpdemir teaches

spoken text, words, sentences, etc. as part of the dialog interaction system.

NOTE: Examiner would like to remind Applicant of the following:

"USPTO personnel are to give claims their broadest reasonable interpretation in

light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55,

44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). Limitations appearing in the

specification but not recited in the claim should not be read into the claim. E-Pass

Techs., Inc. v. 3Com Corp., 343 F.3d1364, 1369, 67 USPQ2d 1947, 1950 (Fed.

Cir. 2003) (claims must be interpreted "in view of the specification" without

importing limitations from the specification into the claims unnecessarily). In re

Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See

also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)

("During patent examination the pending claims must be interpreted as broadly

as their terms reasonably allow.... The reason is simply that during patent

prosecution when claims can be amended, ambiguities should be recognized,

scope and breadth of language explored, and clarification imposed.... An

essential purpose of patent examination is to fashion claims that are precise,

clear, correct, and unambiguous. Only in this way can uncertainties of claim

scope be removed, as much as possible, during the administrative process.").

Where an explicit definition is provided by the applicant for a term, that definition

will control interpretation of the term as it is used in the claim. Toro Co. v. White

Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed.

Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic

vacuum, but in the context of the specification and drawings."). Any special

meaning assigned to a term "must be sufficiently clear in the specification that

any departure from common usage would be so understood by a person of

experience in the field of the invention." Multiform Desiccants Inc. v. Medzam

Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also

MPEP § 2111.01."

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Alpdemir US 20020035474 A1 (hereinafter Alpdemir) in view of Albayrak et al. US

6662163 B1 (hereinafter Albayrak).

Re claims 1, 11, and 19, Alpdemir teaches a computer readable storage medium

having instructions, which when executed on a computer generate client side markup

([0140]) for a client in a client/server system, the instructions comprising:

a set of controls configured for use on a server remote from the client for defining

a dialog and used to dynamically generate client side markup in accordance with the

dialog ([0139]), the controls comprising at least a control for generating markup related

to audible prompting of a question ([0226]) and for generating markup related to a

grammar for recognition ([0169]), wherein the set of controls includes means for

generating markup that is adapted to prioritize prompting of a question ([0337-0339])

and for generating markup related to a grammar for recognition as a function of

responses from a user ([0143-0144]), when at least one response includes an answer to

the prompt that was given and additional information that is not an answer to the prompt

that was given, wherein an additional prompt is then provided to the user concerning the

additional information ([0132], *help* information) before returning to the selected order

([0250-0338] & Fig. 5, examples illustrating prompt and response in a dialog

environment, that can start a users dialog over again);

a module, when executed on the client, creates a dialog as a function of the

controls, wherein the dialog follows a selected order of prompting and receiving input

from a user as related to the order of the controls ([0217]), and departs from the

selected order as a function of responses from the user ([0143-0144]), wherein the set

of controls includes attributes that define a selected order for execution of the set of

controls to generate the markup ([0222 & 02223] & Fig. 5 ordered set of

commands/responses).

However, Alpdemir fails to teach a client side markup for a client in a client/server

system

Albayrak teaches an interactive voice response system includes a server and a

set of mobile clients. The server and clients include RF transceivers for exchanging

messages over an RF channel. Each mobile client includes a microphone, a speaker or

headset, a processor and a voice browser. The voice browser interprets voice pages

received from the server. Upon receiving a particular voice page from the server, the

voice browser outputs via the speaker voice prompts specified by the voice page. A

speech recognition engine used by the voice browser converts voice responses from a

user into a text response. The voice browser then performs an action based on the text

response. The action taken may be to request a new voice page from the server, or to

continue to interpret the current voice page. The server preferably includes an HTTP

server module for receiving and responding to requests for voice pages from the mobile

clients in accordance with a predefined protocol. The mobile clients each include a text-

to-speech module for converting text in a voice page into voice prompts, and a digitized

speech module for playing digitized voice data representing other voice prompts. The

mobile clients also include a speech recognition module for recognizing words or data

string within a user's voice responses in accordance with a user specific voice file

received from the server (Albayrak Col. 3 lines 3-27).

Further, Albayrak teaches that Hypertext refers to a collection of computer-

readable text documents containing links, that is, location references. A browser utilizes

the links to facilitate moving its attention between linked documents. A voice browser is

similar to a graphical browser in that it is a program that processes hypertext and

presents the hypertext content in a specified format. The voice browser used in the

preferred embodiment of this invention receives and outputs all information in the form

of sound rather than having graphical input and output. The particular type of hypertext

used in the preferred embodiment is based on VoiceXML. VoiceXML was designed by

the VoiceXML Forum to create audio dialogs that feature digitized audio and speech

recognition and to facilitate web-based development and content delivery. (Albayrak

Col. 4 lines 11-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the system of Alpdemir to incorporate a client side

markup for a client in a client/server system as taught by Albayrak to allow for a server-

client voice browsing system, wherein markup language is utilized to convert text to

speech, particularly for a mobile client that can prompt a user wirelessly (Albayrak Col.

3 lines 3-27).

Re claims 2, Alpdemir teaches the computer readable storage medium of claim 1 wherein the module creates a dialog ([0220]) as a function of activated controls ([0143-0144]).

Re claim 3, Alpdemir teaches the computer readable storage medium of claim 2 wherein controls are activated as a function of responses from the user ([0143-0144]).

Re claims 4, Alpdemir teaches the computer readable storage medium of claim 3 wherein the set of controls includes an attribute to indicate the selected order that each of the controls will be activated ([0337-0339]).

Re claim 5, Alpdemir teaches the computer readable storage medium of claim 1 wherein one of the controls provides means for defining a confirmation for generating markup related to confirming that a recognized result is correct ([0191]).

Re claim 6, Alpdemir teaches the computer readable storage medium of claim 1 and further comprising a second set of controls for generating markup related to visual rendering on a client, wherein at least one of the first-mentioned set of controls is associated with at least one of the controls of the second set of controls ([0362-0363] & Fig. 11-12).

4.   **Claims 7-10, 14-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Alpdemir US 20020035474 A1 (hereinafter Alpdemir) in view of

Albayrak et al. US 6662163 B1 (hereinafter Albayrak) and further in view of

Takebayashi et al. US 5357596 A (hereinafter Takebayashi).

Re claims 7 and 14, Alpdemir teaches the computer readable storage medium of

claim 1 wherein the module maintains information related to an order of responses

received from the user, and wherein the module departs from the selected order ([0337-

0339]) to provide a prompt related to a previous [RLI0] response from the user in the

information ([0143-0144]).

However, Alpdemir in view of Albayrak fails to teach providing a prompt related to

a previous [RLI0] response from the user.

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the

order made by the input speech as understood by the system at each moment during

the order taking operation, in a form of an order list similar to the ORDER TABLE frame

of the semantic response representation, and this order table is to be updated according

to the ACT frame and the ORDER TABLE frame of the semantic utterance

representation supplied from the speech understanding unit 11. On the other hand, the

past order table shown in FIG. 8 indicates the order table at a time of an output of the

previous system response, i.e., the content of the order taken up to an output of the

previous system response. This past order table of FIG. 8 is utilized as the dialogue

history indicative of the change of the order table in the course of the order taking

operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate

providing a prompt related to a previous response from the user as taught by

Takebayashi to allow for the logging of data history, wherein the order and previous

responses are stored for the dialog manager, wherein changes in user responses can

be monitored for an improved recognition scheme (Takebayashi Col. 11 lines 33-51 &

Fig. 7-8).

Re claim 8, Alpdemir teaches the computer readable storage medium of claim 7

wherein the set of controls includes an attribute to indicate whether a response to a

prompt will be maintained in the information related to the order of responses received

from the user ([0337-0339]).

Re claims 9, 16 and 21, Alpdemir teaches the computer readable storage

medium of claim 8 wherein module maintains the information related to an order of

responses ([0337-0339]) received from the user as a stack.

However, Alpdemir in view of Albayrak fails to teach an order of responses

received from the user as a stack

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the

order made by the input speech as understood by the system at each moment during

the order taking operation, in a form of an order list similar to the ORDER TABLE frame

of the semantic response representation, and this order table is to be updated according

to the ACT frame and the ORDER TABLE frame of the semantic utterance

representation supplied from the speech understanding unit 11. On the other hand, the

past order table shown in FIG. 8 indicates the order table at a time of an output of the

previous system response, i.e., the content of the order taken up to an output of the

previous system response. This past order table of FIG. 8 is utilized as the dialogue

history indicative of the change of the order table in the course of the order taking

operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate

an order of responses received from the user as a stack as taught by Takebayashi to

allow for the logging of data history, wherein the order and previous responses are

stored for the dialog manager, wherein changes in user responses can be monitored for

an improved recognition scheme (Takebayashi Col. 11 lines 33-51 & Fig. 7-8, wherein

ordered data in memory is construed to be functionally equivalent to a stack).

Re claims 10 and 20, Alpdemir in view of Albayrak fails to teach the computer

readable storage medium of claim 9 wherein the stack is of selected length such that

the oldest information related to the oldest received response is removed when

information is received related to the latest response from the user.

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the

order made by the input speech as understood by the system at each moment during

the order taking operation, in a form of an order list similar to the ORDER TABLE frame

of the semantic response representation, and this order table is to be updated according to the ACT frame and the ORDER TABLE frame of the semantic utterance representation supplied from the speech understanding unit 11. On the other hand, the past order table shown in FIG. 8 indicates the order table at a time of an output of the previous system response, i.e., the content of the order taken up to an output of the previous system response. This past order table of FIG. 8 is utilized as the dialogue history indicative of the change of the order table in the course of the order taking operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Further, Takebayashi teaches the confirmation for the partial change of the order such as addition, replacement, and deletion is carried out by using only the speech response and the text data of the speech response. However, the visual information may also be used for the confirmation of the partial change of the order. In such a case, the display of the content visualizing image indicating the entire order may be interrupted temporarily, if desired. (Takebayashi Col. 27 lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate a stack that is of selected length such that the oldest information related to the oldest received response is removed when information is received related to the latest response from the user as taught by Takebayashi to allow for the logging of data history, wherein the order and previous responses are stored for the dialog manager and older data is removed as the most recent response is received, wherein changes in user responses can be monitored for an improved recognition scheme (Takebayashi

Col. 11 lines 33-51 & Fig. 7-8, wherein ordered data in memory is construed to be

functionally equivalent to a stack).

Re claim 15, Alpdemir teaches the computer implemented method of claim 14

wherein the set of controls includes an attribute to indicate whether a response to a

prompt will be maintained in the information related to the order of responses received

from the user ([0337-0339]), and wherein creating the dialog includes maintaining

information related to an order of responses received from the user as a function of the

corresponding attribute for a prompt ([0226]).

Re claim 18, computer implemented method of claim 14, wherein defining a

dialog includes logic for modifying the maintained information related to an order of

responses received from the user([0337-0339]), and wherein creating the dialog

includes modifying the maintained information pursuant to the logic ([0213).

Re claim 17, Alpdemir in view of Albayrak fails to teach the computer

implemented method of claim 16, wherein maintaining the ordered list comprises

maintaining the ordered list in a stack

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the

order made by the input speech as understood by the system at each moment during

the order taking operation, in a form of an order list similar to the ORDER TABLE frame

of the semantic response representation, and this order table is to be updated according

to the ACT frame and the ORDER TABLE frame of the semantic utterance

representation supplied from the speech understanding unit 11. On the other hand, the

past order table shown in FIG. 8 indicates the order table at a time of an output of the

previous system response, i.e., the content of the order taken up to an output of the

previous system response. This past order table of FIG. 8 is utilized as the dialogue

history indicative of the change of the order table in the course of the order taking

operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Further, Takebayashi teaches the confirmation for the partial change of the order

such as addition, replacement, and deletion is carried out by using only the speech

response and the text data of the speech response. However, the visual information

may also be used for the confirmation of the partial change of the order. In such a case,

the display of the content visualizing image indicating the entire order may be

interrupted temporarily, if desired. (Takebayashi Col. 27 lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate

maintaining the ordered list comprises maintaining the ordered list in a stack as taught

by Takebayashi to allow for the logging of data history, wherein the order and previous

responses are stored for the dialog manager and older data is removed as the most

recent response is received, wherein changes in user responses can be monitored for

an improved recognition scheme (Takebayashi Col. 11 lines 33-51 & Fig. 7-8, wherein

ordered data in memory is construed to be functionally equivalent to a stack).

Re claim 22, Alpdemir teaches the system of claim 20 wherein the ordered list is

indicative of a list of semantic items ([0250-0338] & Fig. 5, examples illustrating prompt

and response in a dialog environment, where the best matching data to a user response

is selected from a set of data).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael C. Colucci whose telephone number is (571)-

270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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